

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 JUN 15 P 3:3

U.S. DISTRICT COURT
DISTRICT OF MASS.

HEATHER KIERNAN,

Plaintiff,

-v-

CIVIL ACTION NO. 04-10131 MLW

ARMORED MOTOR SERVICE OF
AMERICA, INC. and
FRANCESCO CIAMBRIELLO,

Defendants.

**PLAINTIFF HEATHER KIERNAN'S MOTION TO COMPEL DISCOVERY
FROM THE DEFENDANT ARMORED MOTOR SERVICE OF AMERICA, INC.**

The Plaintiff in the above captioned matter hereby moves that the Court order the Defendant Armored Motor Service of America, Inc. to respond to the Plaintiff's First Request for Production of Documents and Entry Upon Land for Inspection within 5 days of the Court's order. In support of this motion, the undersigned respectfully represents:

1. Under cover of March 30, 2004, the Plaintiff served on the Defendant AMSA her First Request for Production of Documents and a Request for Entry Upon Land.
2. On that same date, the Plaintiff also served her Automatic Disclosure as required by Fed.R.Civ.P. 26(a)(1) and Local Rule 26.2.¹

¹ There has been no Rule 16.1 Conference, nor has one been scheduled.

3. Defendant has not responded, despite being given a 30-day extension to respond.
4. Defendant has not made any Automatic Disclosures whatsoever.
5. Without this discovery, the case cannot move forward.

WHEREFORE, the Plaintiff respectfully requests that this Motion to Compel be GRANTED, and that the Court ORDER:

- a. That the Defendant AMSA respond to Plaintiff's First Request for Production and Entry Upon Land for Inspection;
- b. That the Defendant tender its Automatic Disclosures within 5 days of the Court's Order.
- c. Any additional relief that the Court deems equitable, just and proper.

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned respectfully represents that he attempted on at least two occasions to resolve the matters, which are covered by this motion. The undersigned has not been successful.

THE PLAINTIFF,

By her attorneys:

DATED: June 15, 2004



William J. McLeod, BBO No. 560572
Robert S. Messinger, BBO No. 651396
Cutler McLeod, P.C.
77 Franklin Street
Boston, MA 02110
(617) 695-2777

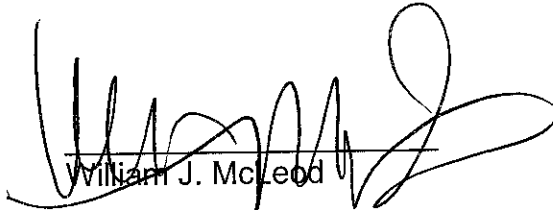
CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2004, a true copy of this document was served via first class mail upon:

Robert P. Joy
Allison K. Romantz
Morgan, Brown & Joy LLP
One Boston Place
Boston, MA 02109

and

David R. Ardito
Bisio and Dupont Building
228 County Street
Attleboro, MA 02703



William J. McLeod

CUTLER
COUNSELLORS AT LAW
MCLEOD

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U.S. DISTRICT COURT
DISTRICT OF MASS.

June 15, 2004

BY HAND

Office of the Clerk
United States District Court for the District of Massachusetts
One Courthouse Way
Boston, MA 02210

RE: Kiernan v. Armored Motor Service of America, Inc., et al.
United States District Court for the District of Massachusetts
Docket No. 04-10131 MLW

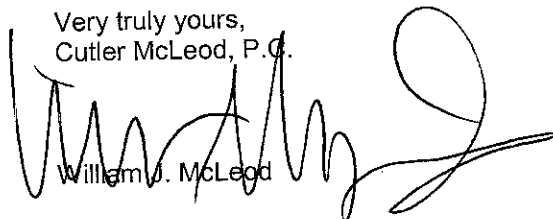
Dear Sir or Madam:

Enclosed please find the following:

-Plaintiff Heather Kiernan's Motion to Compel Discovery from the Defendant Armored Motor Service of America, Inc.

Thank you for your time and attention.

Very truly yours,
Cutler McLeod, P.C.



William J. McLeod

WJM

Enclosures as stated

cc: David Ardito, with enclosures, by mail
Alison Romantz, with enclosures, by messenger